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11 Attorneys for Plaintiff
12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 v.
20 EVARISTO GOMEZ & MARIA MUÑOZ,
21 Defendants.

22 CASE NO. 1:20-CR-00123-DAD-BAM

23 STIPULATION TO CONTINUE STATUS
24 CONFERENCE AND EXCLUDE TIME UNDER
25 SPEEDY TRIAL ACT; FINDINGS AND ORDER

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28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for status on December 8, 2021.

32 2. By this stipulation, the parties now move to continue the status conference until January
33 26, 2022, and to exclude time between December 8, 2021, and January 26, 2022, under 18 U.S.C.
34 § 3161(h)(7)(A), B(iv) [Local Code T4].

35 3. The parties agree and stipulate, and request that the Court find the following:

36 a) The government has represented that the discovery associated with this case has
37 been either produced directly to counsel and/or made available for inspection and copying.

38 b) Counsel for defendants desire additional time to meet with their out-of-custody
39 clients, to review discovery, pursue investigation, and discuss possible resolution with the

1 government.

2 c) Counsel for defendants believe that failure to grant the above-requested
3 continuance would deny them the reasonable time necessary for effective preparation, taking into
4 account the exercise of due diligence.

5 d) The government does not object to the continuance.

6 e) Based on the above-stated findings, the ends of justice served by continuing the
7 case as requested outweigh the interest of the public and the defendant in a trial within the
8 original date prescribed by the Speedy Trial Act.

9 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
10 et seq., within which trial must commence, the time period of December 8, 2021 to January 26,
11 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
12 T4] because it results from a continuance granted by the Court at defendant's request on the basis
13 of the Court's finding that the ends of justice served by taking such action outweigh the best
14 interest of the public and the defendant in a speedy trial and because, once filed, the court will
15 need time to consider the proposed plea agreement.

16 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
17 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
18 must commence.

19 IT IS SO STIPULATED.

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21 Dated: November 24, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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23 /s/ LAURA D. WITHERS

LAURA D. WITHERS
Assistant United States Attorney

24
25 Dated: November 24, 2021

/s/ CARRIE McCREARY

CARRIE McCREARY
Counsel for Defendant
MARIA MUÑOZ

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2 Dated: November 24, 2021
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/s/ MELISSA BALOIAN
MELISSA BALOIAN
Counsel for Defendant
EVARISTO GOMEZ

6 **ORDER**
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IT IS SO ORDERED that the status conference is continued from December 8, 2021, to **January 26, 2022, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

10 IT IS SO ORDERED.
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12 Dated: November 29, 2021
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/s/ *Barbara A. McAuliffe*

UNITED STATES MAGISTRATE JUDGE